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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 WHITNEY SPICHER,

12 Plaintiff,

13 v.

14 AMERICAN FAMILY MUTUAL
15 INSURANCE COMPANY, S.I. and
16 JOHN and JANE DOES 1-10,

17 Defendants.

18 CASE NO. C22-1116 MJP

19 ORDER DENYING STIPULATED
20 MOTION TO CONTINUE

21 This matter comes before the Court on the Parties' Stipulated Motion to Continue Expert
22 Deadline. (Dkt. No. 14.) Having reviewed the Motion and all supporting materials, the Court
23 DENIES the Motion without prejudice.

24 Rule 16(b)(4) states that "a schedule may be modified only for good cause and with the
judge's consent." Fed. R. Civ. P. 16(b)(4). "Rule 16(b)'s 'good cause' standard primarily
considers the diligence of the party seeking the amendment." Johnson v. Mammoth Recreations,
Inc., 975 F.2d 604, 609 (9th Cir. 1992). "[T]he focus of the inquiry is upon the moving party's

1 reasons for seeking modification” and “[i]f that party was not diligent, the inquiry should end.”
2 Id. (citation omitted).

3 Although the Motion states that the Parties wish to “continue the trial date and remaining
4 deadlines in this matter,” they only ask for an extension of the expert disclosure deadline.
5 (Compare Mot. at 1 with Mot. at 2.) The current expert disclosure deadline is April 3, 2023.
6 (Dkt. No. 12.) The Parties ask for an additional sixty days so that they can “properly disclose
7 experts that may be retained based on the outcome of Plaintiff ‘s deposition” which is currently
8 set for February 28, 2023. (Mot. at 2.) But the Parties fail to explain why the month between the
9 scheduled deposition and the current expert disclosure deadline is an inadequate amount of time
10 for their experts to prepare reports. Nor have the Parties identified any other reason why the
11 expert disclosure deadline should be extended and why, with diligence, they cannot meet that
12 existing deadline. The Court finds an absence of good cause and DENIES the Motion without
13 prejudice. The Parties may submit a renewed request, but it must, at a minimum, address the
14 Court’s concerns identified in this Order.

15 The clerk is ordered to provide copies of this order to all counsel.

16 Dated February 16, 2023.

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18 Marsha J. Pechman
19 United States Senior District Judge
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